



New Jersey Department of Environmental Protection Site Remediation Program

INSTRUCTIONS FOR THE REMEDIAL ACTION PERMIT APPLICATION – SOIL

Please review the Remedial Action Permits for Soil Quick Reference Guide

(http://www.nj.gov/dep/srp/srra/training/matrix/quick_reference.html) and the Remedial Action Permits for Soils Guidance (http://www.nj.gov/dep/srp/guidance/index.html#rap_soils) before completing this application.

1. **Applicability.** Use this form to apply for a permit for a soil Remedial Action that includes an engineering and/or institutional control that requires long-term monitoring, maintenance and evaluation requirements pursuant to N.J.A.C. 7:26C-7. Please be advised that a stand-alone permit application is needed for each Deed Notice (or Declaration of Environmental Restriction (DER)) filed for the site.

It should be noted the Site Remediation Reform Act (SRRA) at N.J.S.A. 58:10C-16k exempts an LSRP from the requirement to contact the Department Hotline when historic fill material is encountered. While SRRA exempts the finding of historic fill material as a reportable discharge, the person responsible for conducting the remediation must still investigate and remediate the historic fill material in accordance with the N.J.A.C. 7:26E, which is initiated by the submission of an LSRP Retention or Dismissal Form to the NJDEP. If a remediating party chooses to obtain a full site Response Action Outcome (RAO), the historic fill must be addressed through a Soil Remedial Action Permit before the RAO can be issued by the LSRP.

For a modification(s) to a permit pursuant to N.J.A.C. 7:26C-7.12, please include the reason(s) for the modification(s) in a cover letter with the application. Please be advised that change of ownership is a permit transfer and not a modification to a permit. Also, please be advised that the "Person Responsible for Conducting the Remediation" cannot transfer their permit responsibility and shall remain on the permit.

2. **Updates.** The New Jersey Department of Environmental Protection (NJDEP) may update this form periodically. Please ensure you are using the latest version of this form. Download the latest version of this form from the NJDEP Website: <http://www.nj.gov/dep/srp/srra/forms/>.
3. **Signatures.** This form must be signed by the person responsible for conducting the remediation, the property owner, and the Licensed Site Remediation Professional (LSRP) or the NJDEP licensed Subsurface Evaluator responsible for completion of the form and attached Exhibits.

LSRP vs. Subsurface Evaluator

Please make sure you check the appropriate box at the top of the form to indicate if a Licensed Site Remediation Professional (LSRP) or a Subsurface Evaluator is certifying the form. Ensure that the corresponding signature page is included with the form.

The Subsurface Evaluator option is only for unregulated heating oil tanks (UHOT) where you are a NJDEP licensed Subsurface Evaluator and the remediation is for unregulated heating oil tank system(s) and no other areas of concern.

4. Completed forms should be sent to:

Bureau of Case Assignment & Initial Notice
Site Remediation Program
NJ Department of Environmental Protection
401-05H
PO Box 420
Trenton, NJ 08625-0420

Section A. Site Name and Location

- **Site Name:** Provide the name of the site (i.e., ABC Corporation);
- **List all AKAs:** Provide all other known names for the site;
- **Street Address:** Provide the street address for the site NOTE: This should be the physical location of the site – not the mailing address;
- **Municipality:** Provide the name of the municipality(ies) in which the facility is physically located and indicate if it is a township, borough, village, or city. NOTE: This should be the name of the incorporated municipality and not the local name;
- **County:** Provide the name of the county(ies) where the site is located;

- **Zip code:** Enter the five digit code for the physical location of the site;
- **Program Interest (PI) Number(s):** The PI Number is assigned by the NJDEP and can be obtained via the web at <http://www.nj.gov/dep/srp/> (DEP DATA MINER REPORTS). If this is a new site with no previous SRP involvement, leave blank;
- **Case Tracking Number(s):** Provide all NJDEP generated site identification numbers (Hotline incident numbers, UST Notice of Intent to Close numbers, ISRA numbers, etc.). If this is a Soil Remedial Action Permit Modification or Termination, include your permit number;
- **Municipal Block(s) and Lot(s):** Provide the municipal block(s) and lot(s) numbers for the entire site (not just the municipal block(s) and lot(s) numbers of the Deed Notice);
- **Federal Case:** Indicate if the site is a federal case. If "Yes," indicate the case type; check all that apply. Please note that the following Federal Facility case types are ineligible to proceed without the NJDEP's pre-approval: US Department of Energy sites, US Department of Defense sites, Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) sites (commonly known as NPL/Superfund sites), and Resource Conservation and Recovery Act (RCRA) Government Priority Remedial Action (GPRA) Sites listed at <http://www.epa.gov/epawaste/hazard/correctiveaction/pdfs/2020scc.pdf>. Additional information regarding the Site Remediation Reform Act (SRRA) implementation process for RCRA, CERCLA and Federal Facility Sites can be found at: http://www.nj.gov/dep/srp/srra/training/matrix/quick_ref/rcra_cercla_fed_facility_sites.pdf.

If you have any questions please contact the Bureau of Case Management at 609-633-1455.

Section B. Permit Application, Modification, and Termination Fees

Check the appropriate box for the application and fee that will accompany this permit application form. Checks shall be made payable to "Treasurer State of New Jersey." Include your Program Interest Number and Permit number (modification or termination applications only) on your check.

Section C. Fee Billing Contact Person

Complete this section for the fee billing contact person. The Annual Permit Fee Invoice will be mailed to this person.

Section D. Person Responsible For Conducting the Remediation – Co-Permittee.

Complete this section for the person responsible for conducting the remediation. If there is more than one person, complete the Addendum A for the additional person(s).

Section E. Current Owner of the Site – Co-Permittee.

Complete this section for the current owner of the site. If there is more than one person, complete the Addendum B for the additional person(s).

Section F. Deed Notice Information

1. Attach a copy of the filed Deed Notice or Deed Notice Termination document which should include all associated attachments/exhibits both in paper and electronically in Adobe Portable Document Format (PDF). The copy should be the document that was filed with the recording officer responsible for recording deeds for each county in which the property is located.

Attach an electronic Adobe PDF copy of the Remedial Action Report (RAR).

2. Provide the filing date that is stamped on the Deed Notice by the county recording officer.
3. Provide the name of the county or counties where the Deed Notice was filed.
4. Provide the Book Number and page numbers (first page to last page) stamped on the Deed Notice by the county recording officer.
5. Indicate the total number of pages filed in the Deed Notice.
6. Include the municipal Block(s) and Lot(s) numbers of the restricted area(s).
7. Indicate if the entire site is contained within the Deed Notice. If "No" is checked, include the percentage of the site that is covered in the Deed Notice.
8. Indicate if this Deed Notice is for Historic Fill material at the site. If "Yes," indicate if the Historic Fill material is impacting the ground water at the site. If the historic fill material is impacting ground water, indicate if a CEA/WRA Fact Sheet Form has been submitted to the NJDEP. If the CEA/WRA Fact Sheet Form has not been previously submitted to the NJDEP, attach the completed form to this application.

9. Indicate if the Deed Notice restricted area has been mapped and accurately depicts the Deed Notice boundary on NJ-GeoWeb. If not, then submit a GIS compatible map, produced in conformance with guidance at <http://www.nj.gov/dep/srp/gis>, of the Deed Notice restricted area by email to srpgis_dn@dep.nj.gov and provide the date that the email was sent to the NJDEP.

GIS Deliverables submittal requirements:

- ESRI ArcMap users are advised that “mdb” (geodatabase) files are no longer accepted via email for security reasons. Attach GIS polygon shape files instead. Shape files need to include the following file extensions: .shp; .shx; .dbf; and .prj.
- Computer-aided Design (CAD) software users must submit DWG files defined in “model space” NAD 83 State Plane Coordinate feet. The Deed Notice/DER boundary should be mapped as a DWG **Polygon** and the record(s) that depict the extent of the Deed Notice/DER boundary must be named “Deed_Notice_Boundary” in the Layer field. Do not name annotation, graphics or any other map element in this way.
- Send GIS deliverables **by email only** to srpgis_dn@dep.nj.gov (do not include CAD or shape files on the CD submitted with the form).
- Please refer to <http://www.state.nj.us/dep/srp/gis/> for the Minimum Accuracy Requirements for SRP GIS Submissions.
- In the body of the email that includes the GIS deliverables, include the Deed Notice information as described in the Administrative Requirements for GIS Deliverables found at <http://www.state.nj.us/dep/srp/gis/>.
- For specifics regarding the Deed Notice attribute information to be included with the GIS submittal please refer to the following: <http://www.state.nj.us/dep/srp/gis/>
- GIS questions/comments should be directed to srpgis@dep.nj.gov.

Section G. Financial Assurance

1. Indicate if the Remedial Action/Deed Notice includes an engineering control. **“Engineering control”** means any physical mechanism to contain or stabilize contamination or ensure the effectiveness of a Remedial Action. An engineering control may include, without limitation, a cap, cover, building, dike, trench, leachate collections system, fence, physical access control, vapor mitigation systems, and ground water containment system including, without limitation, a slurry wall, grout jet walls, sheet pilings, and an active ground water pump and treatment system.
- If the proposed ground water Remedial Action **does not** include an engineering control, then Financial Assurance (FA) is not required for the permit, skip the rest of this section and go to the next section.
2. If the Remedial Action/Deed Notice includes an engineering control, **Financial Assurance must be obtained prior to filing this application** (unless all permittees are exempt pursuant to N.J.A.C. 7:26C-7.10(c)).
- The Administrative Requirements for the Remediation of Contaminated Sites, specifically N.J.A.C. 7:26C-10(c) defines certain entities that are exempt from establishing FA. Check all that qualifies you to be exempted. If you are exempt skip the rest of this section and go to the next section.
- In the event that more than one permittee is required to establish FA and one or more of the permittees is exempt from this requirement, the non-exempt permittee(s) shall establish the full amount of the FA required.
- Refer to N.J.A.C. 7:26C-5 for the FA requirements at www.nj.gov/dep/srp/regs/arccs/index.html.
3. Indicate whether the current owner of the site is either a homeowner association or a condominium association by including “X” in the appropriate box. If a homeowner association or a condominium association is identified in Section E of this Permit Application, attach a copy of the association’s annual budget that includes funds for the operation, monitoring, and maintenance of the engineering control(s). Skip questions 4 through 9 and go to Section H. If the association identified in Section E of this Permit Application is ever unable to meet this requirement, then the person responsible for conducting the remediation is required to establish the FA for the permit if they are not exempt pursuant to N.J.A.C. 7:26C-7.10(c).
4. Include a cost estimate for the operation, maintenance, and monitoring of the engineering control(s). The LSRP will determine the amount of funds needed to operate, maintain, and monitor the engineering control(s) at the site for as long as the control(s) are needed, up to thirty (30) years (minimum of \$30,000 for a 30 year time frame). Guidance for acceptable cost estimates can be found in the Remedial Action Permit Guidance Document at http://www.nj.gov/dep/srp/guidance/index.html#rap_soils.
5. Indicate if you are using an existing Remediation Funding Source (RFS) mechanism as the (FA) for the site. If they are, indicate if ALL THREE of the following criteria have been met:
- a. The LSRP will be issuing an entire site RAO or there are no contaminated AOCs still undergoing remediation as a result of the issuance of this permit. In other words, there are no remaining areas of concern which require

remediation at the site. If there are remaining areas of concern requiring remediation, RFS is still required for that site; therefore you cannot use the existing RFS, but must obtain a separate financial mechanism for FA.

- b. The amount of the funds in the RFS is equal to the amount of the funds required to be posted for FA. If the amount of the funds in the RFS is either greater than or less than the amount required for FA, you must follow the requirements in the ARRCs rules at N.J.A.C. 7:26C-5.11 to either increase or decrease the funds PRIOR TO the submission of the RAP application.
- c. The RFS is NOT in the form of a self-guarantee. If the RFS is in the form of a self-guarantee, you cannot use the existing RFS, but must obtain a separate financial mechanism for FA.

Provide the full amount of the current Remediation Funding Source.

6. Enter the full dollar amount established as the FA. Submit a completed Remediation Cost Review and RFS/FA form which describes how the LSRP estimated the amount of the FA along with the permit application. This form can be found at <http://www.nj.gov/dep/srp/srra/forms>.

If you are using an existing RFS as FA and had previously submitted the Remediation Cost Review and RFS/FA form in order to adjust the amount of the RFS so that it is equal to the FA, you may submit a copy of that form with the permit application.

7. Identify the FA Mechanism used as one or any combination of the following: a Remediation Trust Fund, an Environmental Insurance Policy, a Line of Credit, a Letter of Credit, or a loan or a grant.

The following is guidance on FA mechanisms for engineering controls.

Financial Assurance Mechanism	Acceptable as Financial Assurance for an Engineering Control?
1. A remediation trust fund agreement in accordance with N.J.A.C. 7:26C-5.4	Yes
2. An environmental insurance policy in accordance with N.J.A.C. 7:26C-5.5	Yes
3. A line of credit agreement in accordance with N.J.A.C. 7:26C-5.6	Yes
4. A letter of credit in accordance with N.J.A.C. 7:26C-5.7	Yes
5. A loan or a grant in accordance with N.J.A.C. 7:26C-11 and 12	Yes
6. A self-guarantee in accordance with N.J.A.C. 7:26C-5.8	No

8. Provide the name, address, and phone number of the contact person at the financial institution for the FA.
9. Attach the original FA mechanism or a copy if the person is using an existing RFS mechanism as FA.

Note: If there is a change in the FA the NJDEP will not authorize the release of an existing FA instrument until a new FA instrument is established and in place.

Section H. Engineering Control

1. Identify all land use(s) for the area where the engineering control exists.
2. If school, childcare, or residential was checked in question 1 above, indicate if a presumptive remedy was implemented. If school, childcare, or residential was checked in question 1 above and a presumptive remedy was **not** implemented, provide the date the remedy was approved by the NJDEP. For further information refer to http://www.nj.gov/dep/srp/guidance/#presumptive_alt_remedy.
3. This date should be the date construction of the engineering control was completed.
4. This table summarizes the information contained in Exhibit C of the filed Deed Notice. The fields should be completed as follows:

Area: A description identifying the area of the site where the engineering control is located.

Engineering Control Description: Is a dropdown list of common engineering controls. Choose from the list the type of engineering control utilized. If the dropdown does not contain the control implemented, choose "Other" & describe the engineering control in the area provided below the table labeled "**Other, describe."

Thickness: The value here should be a number describing the thickness of a cap or the height of a fence. If thickness is not applicable to the particular engineering control utilized it is acceptable to leave blank.

Units: Feet, inches, etc.

5. Fill the table in with the following information:

Contaminant: List all contaminants above the applicable Soil Remediation Standards at N.J.A.C. 7:26D;

Concentration: List the maximum concentration for each contaminant in milligrams per kilogram (mg/kg);

Depth: List the depth (in feet) where the contaminant was detected;

Residential Direct Contact Soil Remediation Standard: Standards can be obtained at http://www.nj.gov/dep/srp/regs/rs/rs_rule.pdf. The Residential Direct Contact Soil Remediation Standards are located in Appendix 1, Table 1A of Remediation Standards rule, N.J.A.C. 7:26D.

Non-Residential Direct Contact Soil Remediation Standard: Standards can be obtained at http://www.nj.gov/dep/srp/regs/rs/rs_rule.pdf. The Non-Residential Direct Contact Soil Remediation Standards are located in Appendix 1, Table 1B of Remediation Standards rule, N.J.A.C. 7:26D.

Section I. Receptor Evaluation Summary

1. Identify if any of the listed receptors are within 200 feet of the plume boundary (check all that apply).

Well Head Protection Area locations are available on the NJDEP's NJ-GeoWeb application which can be found at: <http://www.nj.gov/dep/gis/geoweb splash.htm>

2. Subchapter 1 of the Technical Requirements for Site Remediation requires an evaluation of receptors during each phase of investigation and remediation. Based on these evaluations, indicate if any receptors have been impacted.

If "Yes," fill in the date of Receptor Control and IEC Contaminant Source Control.

The date of Receptor Control is when treatment systems were installed for all receptors (pre-November 4, 2009) or when the IEC Engineered System Action Report (120-day) is filed with the NJDEP.

The date of IEC Contaminant Source Control is when the source of contamination for the IEC condition has been delineated and remediated (pre-November 4, 2009), or when the IEC Contaminant Source Control Report is filed with the NJDEP.

3. Indicate if any vapor mitigation systems have been installed as a result of this soil contamination.

If "Yes," indicate the type of system installed and attach the Operation, Maintenance, and Monitoring (OMM) Plan for the vapor mitigation system(s) both in paper and electronically (in "MS Word" file format). The OMM Plan should identify the building(s) and/or structure(s) and vapor mitigation system(s) that are in place (e.g., active or passive), including the address and block and lot of each impacted property. Refer to the Vapor Intrusion Technical Guidance Document at <http://www.nj.gov/dep/srp/guidance/index.html#vi>.

Section J. Other Remedial Action Permits

Identify if any other Remedial Action Permits are being applied for or obtained. List the Permit Type, Permit Number and Effective Date for each Remedial Action Permit obtained or the type of Remedial Action Permit(s) being applied for.

Section K. Person Responsible for Conducting the Remediation Information and Certification

The certification in this section shall be signed and dated by the person responsible for conducting the remediation. The certification in this section shall **not** be signed by the Licensed Site Remediation Professional or law firm hired to assist the owner or operator with their compliance obligations. The certification required in this section shall be executed as follows:

1. For a corporation or limited liability company, by a principal executive officer of at least the level of vice president; or
2. For a partnership or sole proprietorship, by a general partner or the proprietor, respectively; or
3. For a municipality, state, Federal or other public agency, by either a principal executive officer or ranking elected official; or
4. By a duly authorized representative of the corporation, partnership, sole proprietorship, municipality, state or Federal or other public agency, as applicable. A person is deemed to be a duly authorized representative if the person is authorized in writing by an individual described in 1, 2 or 3 above and the authorization meets the following criteria:
 - i. The authorization specifies either an individual or a position having responsibility for the overall operation of the industrial establishment or activity, such as the position of plant manager, or a superintendent or person of equivalent responsibility (a duly authorized representative may thus be either a named individual or any individual occupying a named position);
 - ii. The written authorization is submitted to the NJDEP along with the certification; and

- iii. If an authorization is no longer accurate because a different individual or position has responsibility for the overall operation of the industrial establishment or activity, a new authorization satisfying the requirements of this section shall be submitted to the NJDEP prior to or together with any reports, information, or applications to be signed by an authorized representative.
- Provide the full legal name of the person responsible for conducting the remediation;
- Provide the full name of the representative of the person responsible for conducting the remediation, pursuant to N.J.A.C. 7:26C-1. Enter "Same" if the representative is the same person as the person responsible for conducting the remediation;
- Provide the title of the representative of the person responsible for conducting the remediation;
- Provide the telephone number, extension number, and fax number of the representative of the person responsible for conducting the remediation;
- Provide the mailing address, including the city/town, state, and zip code of the representative of the person responsible for conducting the remediation;
- Provide the email address of the representative of the person responsible for conducting the remediation;
- The representative for the person responsible for conducting the remediation shall provide:
 - ❖ His/her signature where indicated;
 - ❖ His/her name and title (i.e., President, CEO); and
 - ❖ The date when the signing occurred.

Section L. Current Owner of the Site Information and Certification

The certification in this section shall be signed and dated by the person who owns the property. The certification in this section shall **not** be signed by the Licensed Site Remediation Professional or law firm hired to assist the owner or operator with their compliance obligations. The certification required in this section shall be executed as follows:

1. For a corporation or limited liability company, by a principal executive officer of at least the level of vice president; or
 2. For a partnership or sole proprietorship, by a general partner or the proprietor, respectively; or
 3. For a municipality, state, Federal or other public agency, by either a principal executive officer or ranking elected official; or
 4. By a duly authorized representative of the corporation, partnership, sole proprietorship, municipality, state or Federal or other public agency, as applicable. A person is deemed to be a duly authorized representative if the person is authorized in writing by an individual described in 1, 2 or 3 above and the authorization meets the following criteria:
 - i. The authorization specifies either an individual or a position having responsibility for the overall operation of the industrial establishment or activity, such as the position of plant manager, or a superintendent or person of equivalent responsibility (a duly authorized representative may thus be either a named individual or any individual occupying a named position);
 - ii. The written authorization is submitted to the NJDEP along with the certification; and
 - iii. If an authorization is no longer accurate because a different individual or position has responsibility for the overall operation of the industrial establishment or activity, a new authorization satisfying the requirements of this section shall be submitted to the NJDEP prior to or together with any reports, information, or applications to be signed by an authorized representative.
- Provide the full legal name of the person who owns the property;
 - Provide the full name of the representative of the person who owns the property, pursuant to N.J.A.C. 7:26C-1. Enter "Same" if the representative is the same person as the person who owns the property;
 - Provide the title of the representative of the person who owns the property;
 - Provide the telephone number, extension number, and fax number of the representative of the person who owns the property;
 - Provide the mailing address, including the city/town, state, and zip code of the representative of the person who owns the property;
 - Provide the email address of the representative of the person who owns the property;
 - The representative for the person who owns the property shall provide:
 - ❖ His/her signature where indicated;

- ❖ His/her name and title (i.e., President, CEO); and
- ❖ The date when the signing occurred.

Note: There may be circumstances where the current property owner signature cannot be obtained. In these situations, a copy of the completed permit application excluding the current property owner signature should be provided to the property owner. To document that the current property owner was provided a copy of the permit application, a copy of the letter transmitting the permit application needs to be included with the application submitted to the NJDEP.

Section M. Complete the appropriate signature page:

The Subsurface Evaluator option is only for cases associated with unregulated heating oil tanks (UHOT) where you are a NJDEP licensed Subsurface Evaluator and the remediation is for unregulated heating oil tank system(s) and no other areas of concern.

Licensed Site Remediation Professional Information and Statement

- LSRP ID Number: Provide the Licensed Site Remediation Professional ID Number.
- Provide the name, phone number, email and mailing address (city/town, state, zip code) of the Licensed Site Remediation Professional.
- The Licensed Site Remediation Professional should indicate the level of oversight he/she provided by placing an "X" in appropriate box(es).
- The certification in this section shall be signed and dated by the Licensed Site Remediation Professional.

Subsurface Evaluator Information and Statement (UHOTs only)

- The certification in this section shall be signed and dated by the Subsurface Evaluator. Include the evaluator's name, UST certification number, the firm's name, the firm's UST certification number, address (city/town, state, zip code), telephone number, and email address.